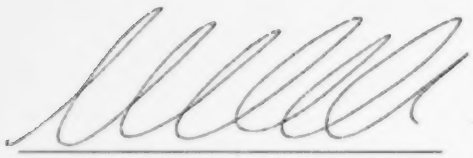
Canada Industrial Relations Board

for the period ending March 31, 2009

Departmental Performance Report



The Honourable Rona Ambrose
Minister of Labour

Table of Contents

Message from the Chaiperson 1

SECTION I: DEPARTMENTAL OVERVIEW 3

Raison d'être and Responsibilities 4
Strategic Outcome and Program Activity Architecture (PAA) 5
Summary of Performance 6
Performance Summary 6
Contribution of Priorities to Strategic Outcome 7
Risk Analysis 8
Expenditure Profile 9

SECTION II: ANALYSIS OF PROGRAM ACTIVITY BY STRATEGIC OUTCOME ... 11

Resolution of Labour Relations Issues in Sectors Regulated by the *Canada Labour Code* in a Timely, Fair and Consistent Manner 12
Program Activity by Strategic Outcome 13
Program Activity: Adjudication and Dispute Resolution Program 13
Benefits for Canadians 13
Performance Analysis 14
Volume of Matters 14
Written Reasons for Decision 16
Processing Time 17
Decision-making Time 17
Judicial Reviews 19
Reviewing and Fine-tuning the DFR Complaint Process 19
Review of Performance Measurement Framework 20
Client Consultations 20
Other Results 20
Lessons Learned 21

SECTION III: SUPPLEMENTARY INFORMATION 23

Financial Highlights 24
List of Supplementary Information Tables 25
Other Items of Interest 25
To Contact the Board 25

Message from the Chairperson

I am pleased to present to Parliament and Canadians the eleventh annual Performance Report of the Canada Industrial Relations Board (the CIRB or the Board) for the period ending March 31, 2009—my first full year as Chairperson.

As I indicated in the Board's 2008–09 Report on Plans and Priorities, my personal priority was to reduce the number of backlog cases that remained on the Board's books, and to ensure that the Board achieves its mandate of contributing to and promoting a harmonious industrial relations climate in the federally regulated sector as effectively and efficiently as possible.

In this respect, the CIRB made significant progress in 2008–09. The Board received a total of 669 applications/complaints in 2008–09, slightly more than the previous year. With respect to the resolution of matters, the Board increased its output considerably in 2008–09, disposing of a total of 817 cases compared to only 675 in 2007–08. As a result of considerable effort by Board staff and Members, the number of backlog cases was reduced by 25%, from 590 in March 2008 to 442 at the end of March 2009, the lowest level since 1996–97.

The implementation of initiatives to improve the Board's rate of matter disposition and to reduce the level of pending matters has not yet translated into a reduction in average case processing time. The effect of these initiatives on average processing time is concealed by the inclusion in the statistics of longstanding duty of fair representation (DFR) complaints that were resolved in 2008–09. However, closer examination of case disposition trends show that these initiatives have had a positive impact on the Board's underlying performance, and more importantly, should continue to have a compound effect in future years.

I would like to take this opportunity to thank the Board's Vice-Chairpersons, Members and staff for their determination, dedication and the support they have provided me since my appointment. I am extremely proud of their accomplishments. We are, I believe, well positioned to effectively carry out our current mandate. We will continue to emphasize initiatives aimed at improving our case processing and contributing to harmonious labour-management relations in the federally regulated private sector.

Elizabeth MacPherson
Chairperson

SECTION I: DEPARTMENTAL OVERVIEW

Raison d'être and Responsibilities

Raison d'être

The mandate of the CIRB is to contribute to and promote a harmonious industrial relations climate in the federally regulated sector through the impartial, effective and appropriate administration of the rules of conduct that govern labour and management in their representational and bargaining activities. In achieving this mandate, the Board provides effective industrial relations solutions for the Canadian labour relations community in a fair and timely manner.

Responsibilities

The CIRB is an independent, representational, quasi-judicial tribunal responsible for the interpretation and application of the *Canada Labour Code* (the *Code*), Part I, Industrial Relations, and certain provisions of Part II, Occupational Health and Safety. It was established in January 1999, to replace the previous Canada Labour Relations Board, through amendments to Part I of the *Code*.

The CIRB has jurisdiction in all provinces and territories with respect to federal works, undertakings or businesses in the following sectors:

- Broadcasting
- Chartered banks
- Postal services
- Airports and air transportation
- Shipping and navigation
- Inter-provincial or international transportation by road, railway, ferry or pipeline
- Telecommunications
- Grain handling and uranium mining and processing
- Most public and private sector activities in the Yukon, Nunavut and the Northwest Territories
- Band Councils and some First Nations undertakings
- Certain Crown corporations (including, among others, Atomic Energy of Canada Limited and the national museums)

The federal jurisdiction covers some 800,000 employees and their employers, and includes enterprises that have an enormous economic, social, and cultural impact on Canadians from coast to coast. The variety of activities conducted in the federally regulated sector, as well as its geographical spread and national significance, contribute to the uniqueness of the federal jurisdiction and the role of the CIRB.

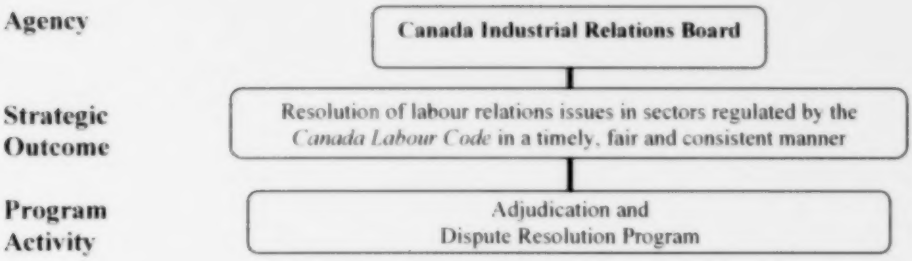
Strategic Outcome and Program Activity Architecture (PAA)

Strategic Outcome

In pursuing its mandate, the CIRB seeks to achieve the following strategic outcome:

Resolution of labour relations issues in sectors regulated by the *Canada Labour Code* in a timely, fair and consistent manner

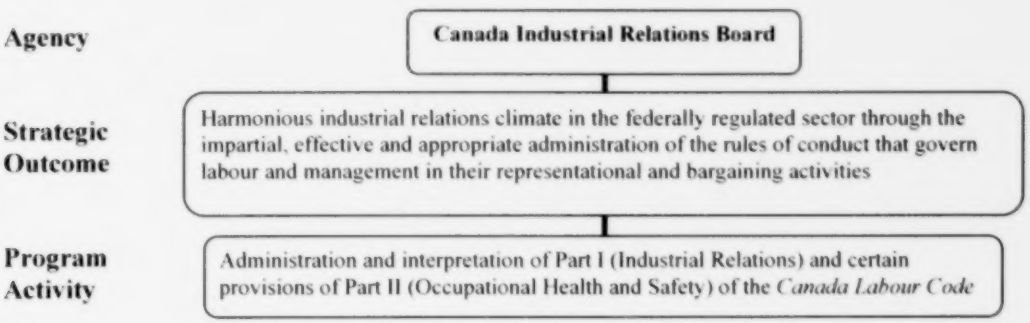
Program Activity Architecture


Agency
Canada Industrial Relations Board
Strategic Outcome
Resolution of labour relations issues in sectors regulated by the *Canada Labour Code* in a timely, fair and consistent manner
Program Activity
Adjudication and Dispute Resolution Program

PAA Crosswalk

It should be noted that the above PAA is a refinement to the wording of the strategic outcome and program activity found in the 2008–09 Report on Plans and Priorities. The modifications, made in consultation with the Treasury Board, are meant to better describe the CIRB's strategic outcome and program activity and do not reflect any underlying changes to them. The previous PAA is provided below for comparison.

Canada Industrial Relations Board–Previous Program Activity Architecture


Agency
Canada Industrial Relations Board
Strategic Outcome
Harmonious industrial relations climate in the federally regulated sector through the impartial, effective and appropriate administration of the rules of conduct that govern labour and management in their representational and bargaining activities
Program Activity
Administration and interpretation of Part I (Industrial Relations) and certain provisions of Part II (Occupational Health and Safety) of the *Canada Labour Code*

Summary of Performance

2008–09 Financial Resources ($ thousands)

Planned Spending	Total Authorities	Actual Spending
12,508	14,086	13,723

2008–09 Human Resources Full-Time Equivalents–FTEs

Planned	Actual	Difference
110	106	-04

Performance Summary

Strategic Outcome: Resolution of labour relations issues in sectors regulated by the *Canada labour Code* in a timely, fair and consistent manner		
Performance Indicators	**Targets**	**2008–09 Performance**
Number of applications and complaints resolved as a percentage of applications/complaints received	100%	Exceeded The number of applications/complaints resolved as a percentage of applications/complaints received represents 122% The Board increased its output considerably in 2008–09, disposing of a total of 817 cases. The number of backlog cases dropped significantly to 442 at the end of March 2009 from 590 a year earlier, the lowest level since 1996–97

($ thousands)

Program Activity	2007–08 Actual Spending	2008–09[1]				Alignment to Government of Canada Outcomes
		Main Estimates	Planned Spending	Total Authorities	Actual Spending[2]	
Adjudication and Dispute Resolution Program	12,516	12,508	12,508	14,086	13,723	Income Security and Employment for Canadians
Total	12,516	12,508	12,508	14,086	13,723	

[1] The variance between planned spending and total authorities is approximately $1.6 million and consist of $536,000 carried forward from previous year; $220,000 transferred from Human Resources and Skills Development Canada (HRSDC) to provide for the relocation of two regional offices; and $884,000 to offset employee salary increases as a result of collective bargaining and in the allowance for the contribution to employee benefits.
[2] The actual spending represents 97% of authorized amounts.

Contribution of Priorities to Strategic Outcome

Operational Priorities	Type[3]	Status	Linkages to Strategic Outcome
Deliver on the Board's statutory mandate under the *Canada Labour Code*	Ongoing	Met all	All of these priorities are linked to our sole strategic outcome: • Resolution of labour relations issues in sectors regulated by the *Canada Labour Code* in a timely, fair and consistent manner and are directly linked to our program activity: • Adjudication and Dispute Resolution Program By resolving matters, through mediation or adjudication, the Board effectively and directly contributes to its strategic outcome
Accelerate reduction in the number of backlog cases	Ongoing	Met all	
Reduce average case disposition time	Ongoing	Mostly Met	
Review new DFR complaint process	Ongoing	Met all	
Client consultations	Ongoing	Met all	

Management Priorities	Type[3]	Status	Linkages to Strategic Outcome
Review the Board's Performance Measurement Framework	New	Mostly met	• Ensures that the Board remains focused on its strategic outcome of resolving labour relations issues in sectors regulated by the *Canada Labour Code* in a timely, fair and consistent manner

[3] Type is defined as follows: **previously committed to**—committed to in the first or second fiscal year prior to the subject year of the report; **ongoing**—committed to at least three fiscal years prior to the subject year of the report; and **new**—newly committed to in the reporting year of the RPP or DPR.

Risk Analysis

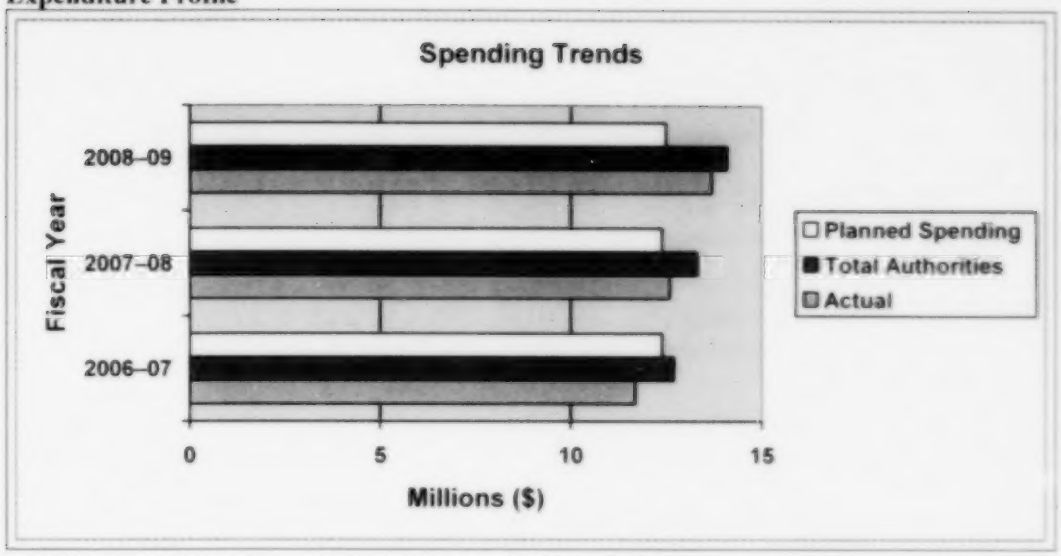
The Canadian labour relations environment has faced many challenges in recent years, and the current economic environment suggests that these challenges will continue for the foreseeable future. The globalization of markets, corporate mergers and restructuring, and the pace of technological change have all contributed to a heightened competitive environment. This in turn has forced employers to seek productivity improvements in order to remain competitive, including the redefinition of bargaining units in some instances. Pressures have increased considerably since the summer of 2008, as a result of the severe international financial crisis and the ensuing recession that has gripped world economies, particularly the United States, Canada's largest trading partner.

Among other things, the depth and breadth of the recession has led employers to seek aggressive cuts in labour costs and has changed the unions' bargaining strategies, with many private sector unions shifting their key focus from wage and benefit growth to saving jobs. This is a significant change from previous years, when good economic times and fears of labour shortages led to different bargaining demands and outcomes. Nevertheless, while the industrial relations climate is generally tense, this has not resulted in a significant increase in complaints or applications to the CIRB.

In the federally regulated sectors, the degree and rate of change have been significant. In recent years, many key infrastructure industries, such as telecommunications and air transport, have gone from highly regulated monopolistic or semi-monopolistic structures to a form that is more unregulated and competitive. The volatility in the price of oil has considerable impact on the transportation industry, while the Canadian Radio-Television and Telecommunications Commission's decision, in the summer of 2008, to grant new wireless spectrums, is expected to result in new service providers and increased competition in the wireless industry. These profound changes, associated with a workforce that is largely unionized, have led to situations where the Board is being called upon to resolve cases that are increasingly complex, with substantial economic and social implications for the broader Canadian public.

The timeliness and quality of the Board's decisions are critical to stable and harmonious labour-management relations. This underscores the importance of the quality of Governor-in-Council (GIC) appointments that are made to the Board, and the experience and expertise that these appointees bring to it.

Expenditure Profile



Over the past three years, planned spending has increased by approximately $150,000, which represents adjustments in salary and benefits prescribed by collective agreements. The difference between total authorities and planned spending represents adjustments to salary and benefits prescribed by collective agreements or by Treasury Board policy, amounts carried forward from previous years, and for 2008–09 exceptionally, an amount transferred from HRSDC for the relocation of two regional offices. The increase of $1.2 million in actual spending from 2007–08 to 2008–09 is primarily due to the relocation and retrofit of two regional offices in addition to salary and benefits adjustments prescribed by collective agreements and Treasury Board policy.

It should be noted that the Board's success in delivering on its mandate is directly tied to the knowledge, skills and professionalism of a dedicated team of employees and GIC appointees. As a result, a large part (80%) of the CIRB's budget is allocated to salary and benefits.

Voted and Statutory Items
($ thousands)

Vote or Statutory Item (S)	Truncated Vote or Statutory Wording	2006–07 Actual Spending	2007–08 Actual Spending	2008–09 Main Estimates	2008–09 Actual Spending
10	Operating expenditures	10,392	11,138	11,018	12,296
(S)	Contributions to employee benefit plans	1,266	1,378	1,490	1,427
	Total	11,658	12,516	12,508	13,723

SECTION II: ANALYSIS OF PROGRAM ACTIVITY BY STRATEGIC OUTCOME

Resolution of Labour Relations Issues in Sectors Regulated by the *Canada Labour Code* in a Timely, Fair and Consistent Manner

When the Board receives an application or complaint, it is usually because there is some form of unresolved conflict or problem in the workplace that the parties involved have been incapable of resolving on their own. Through mediation or by issuing a decision, the Board effectively and directly contributes to its sole strategic outcome namely, the resolution of labour relations issues. The impact of the work of the Board can be both broad-ranging and significant. The Board's decisions and mediation efforts often affect, in very tangible ways, the working lives of thousands of Canadians, the economic position of leading Canadian corporations, and the general well-being of the Canadian public.

The Board also contributes, in an indirect but no less effective manner, to effective industrial relations in the federal jurisdiction. Each time it issues a decision, the Board adds to its growing jurisprudence, which is widely disseminated to the industrial relations community. Clear and consistent jurisprudence provides an environment where potential litigants are more likely to resolve matters on their own, rather than to bring the matter before the Board. It is, however, difficult to ascribe a quantitative measure to this contribution to the labour-management relationship.

Program Activity by Strategic Outcome

Program Activity: Adjudication and Dispute Resolution Program					
2008–09 Financial Resources ($ thousands)			**2008–09 Human Resources (FTEs)**		
Planned Spending	**Total Authorities**	**Actual Spending**	**Planned**	**Actual**	**Difference**
12.5	14.1	13.7	110	106	-04

Expected Results	Performance Indicators	Targets	Performance Status	Performance Summary
Labour relations issues are resolved in a timely, fair and consistent manner	Number of applications/complaints resolved as a percentage of applications/complaints received	100%	Exceeded	The number of applications/complaints resolved as a percentage of applications/complaints received represents 122%
	Average case processing time	50 days or less for certification applications that do not require a vote	Mostly met	59% of certification applications that do not require a vote are disposed of in 50 days or less
	Average decision-making time	90 days or less	Mostly met	More than 73% of matters had a decision-making time of 90 days or less. Excluding DFR complaints, which are lower priority cases, the percentage increases to almost 84%
	Percentage of CIRB decisions upheld in Federal Court	100%	Mostly met	Of the 19 applications made to the Federal Court of Appeal for judicial review of Board decisions, only one of the applications was granted

Benefits for Canadians

The CIRB has only one program activity. Through this program, the CIRB resolves labour relations issues by exercising its statutory powers relating to the application and interpretation of Part I (Industrial Relations), and certain provisions of Part II (Occupational Health and Safety), of the *Code*. Activities include the granting, modification and termination of bargaining rights; the investigation, mediation and adjudication of complaints alleging violation of Part I of the *Code*; the determination of levels of services required to be maintained during a work stoppage; the exercise of cease and desist powers in cases of unlawful strikes or lockouts; the settlement of

the terms of a first collective agreement; and the provision of administrative services to support these activities.

By carrying out this program activity, the Board fulfills its mandate of contributing to and promoting a harmonious industrial relations climate in the federally regulated sector through the impartial, effective and appropriate administration of the rules of conduct that govern labour and management in their representational and bargaining activities. In achieving this mandate, the Board provides effective industrial relations solutions for the Canadian labour relations community in a fair and timely manner.

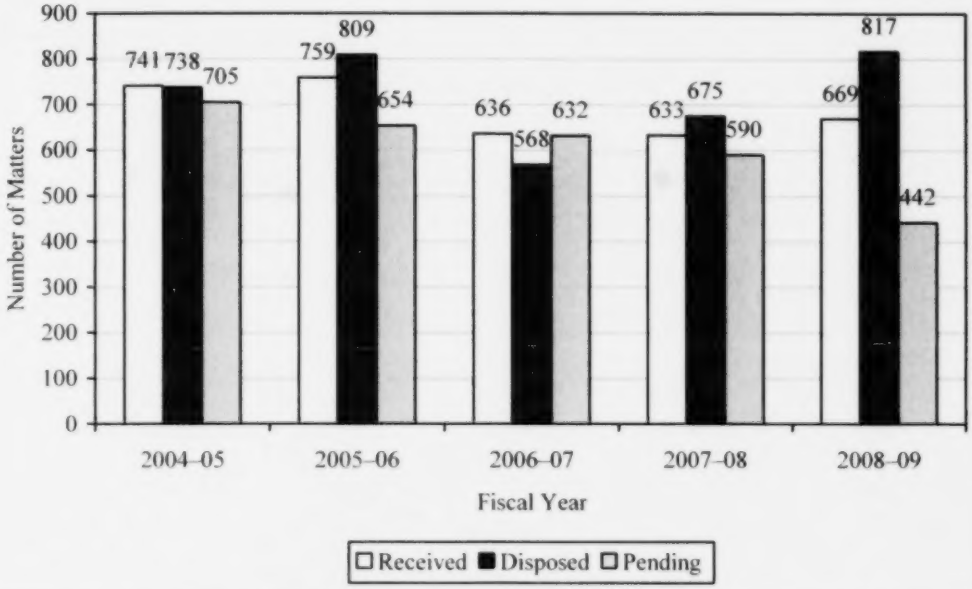
Performance Analysis
In its 2008–09 Report on Plans and Priorities, the CIRB identified six main priorities for immediate attention. These were to deliver on the Board's statutory mandate under the *Code*, to accelerate the reduction in the number of backlog cases, to reduce average case disposition time, to review and fine-tune the DFR complaint process, to review the Board's Performance Measurement Framework, and to continue client consultations.

Reducing the backlog of pending cases and improving average case disposition time are to a certain extent, related and highly dependent on various initiatives that were introduced to improve the processing of cases. Over the years, the CIRB has implemented various case specific and/or administrative measures to attain this goal. As recently as last year, the Board was reporting on the improvements related to the new procedures for processing certification applications. This year, it is the changes in the processing of DFR complaints and a focused effort to reduce the backlog of pending cases that characterizes the Board's successful performance.

Volume of Matters
After an initial spike in caseload levels in the years following the 1999 amendments to the *Code*, the number of applications/complaints received has generally declined over the last five fiscal years. In the first five years following the 1999 amendments to the *Code*, the CIRB received an average of 924 applications/complaints per year, compared to 688 over the last five years.

The decline is even more apparent in the last three fiscal years (see Chart 1), as the number of incoming matters dropped to 636 in 2006–07 and 633 in 2007–08 before increasing moderately to 669 in 2008–09.

Chart 1–Volume of Matters



The decline in the number of matters received over the last three fiscal years is largely equivalent, proportion wise, across the various types of applications/complaints. Notable exceptions, however, include the larger proportional decrease in applications for certification in 2008–09, and the relative increase in the number of applications for reconsideration of Board decisions and for revocation of certification.

Unfair labour practice (ULP) complaints, which represent approximately 40% of incoming matters in any given year, and are an indicator of the labour relations climate, are down almost 25% on average, in the 2006–07 to 2008–09 period (representing 85 fewer complaints per year), compared to the previous five fiscal years. Excluding DFR complaints, which are complaints by union members against their union, and which are less sensitive to the state of the economy, the decline in ULP complaints is more pronounced, at more than 41% (representing 71 fewer complaints per year). It should be noted that the rate of incoming matters increased somewhat in the third and fourth quarters of 2008–09 as the recession took hold.

With respect to the disposition of matters, the Board was able to improve its rate of matter disposition in the years following the 1999 amendments—it disposed of 855 matters per year on average over the five fiscal year period of 2001–02 to 2005–06, compared to an average of only 756 matters in the previous five fiscal years. And while the number of matters disposed of by the Board declined in 2006–07 and 2007–08, similarly to incoming matters, the CIRB took a number of measures to raise its disposition rate to levels akin to those of the early 2000s, and resolved 817 matters in 2008–09, which represents 142 more matters disposed of than the 675 in the previous fiscal year (see Chart 1). As a result, the number of pending cases dropped to 442 at the

end of March 2009, or 142 fewer than the previous year (see Chart 1), and now stands at the lowest level since 1996–97.

The CIRB's workload and disposition rate continues to be affected by the relative large number of more complex matters, which typically involve lengthy hearings and numerous provisions of the *Code*. Such cases are both longer to process and require more of the Board's resources for their disposition. Complex cases have generally accounted for 85 or more of the number of matters disposed of per year over the last five fiscal years, representing more than 10% of all disposed cases. Applications involving a sale of business are usually particularly complex and represent 40 of the 85 complex matters resolved in 2008–09, significantly more than in previous years.

In addition to more complex cases, the *Canada Industrial Relations Board Regulations, 2001* (the *Regulations*) stipulate that certain types of matters require priority attention. These cases include requests for an interim order/decision, requests to file Board orders in Court, referrals to the Board by the Minister of Labour relating to the maintenance of activities during a legal work stoppage, applications alleging an invalid strike or lockout vote, applications for a declaration of unlawful strike or lockout, and ULP complaints alleging the use of replacement workers or dismissal for union activities. Such matters are scheduled, heard and decided in priority to other elements in the Board's caseload. Priority is also given to the processing and consideration of applications for certification, and to any other matter in which there appears to be a significant potential for adverse industrial relations consequences if there is a delay in its resolution.

The setting of priorities inevitably results in the deferral of less urgent matters. Consequently, scheduling pressures can make very lengthy or complex matters—the kind of matters that are now typically scheduled for oral hearing by a panel of the Board—difficult to resolve expeditiously. In fiscal year 2008–09, the Board received 55 applications for matters that required priority attention and 112 applications for certification, and disposed of 68 expedited matters and 123 certifications.

Written Reasons for Decision

The Board issues detailed *Reasons for decision* in matters of broader national significance and/or significant precedential importance. In other matters, concise letter decisions help expedite the decision-making process, thereby providing more timely industrial relations outcomes for the parties involved. The Board strives to provide timely and legally sound decisions that are also consistent across similar matters in order to establish strong and clear jurisprudence.

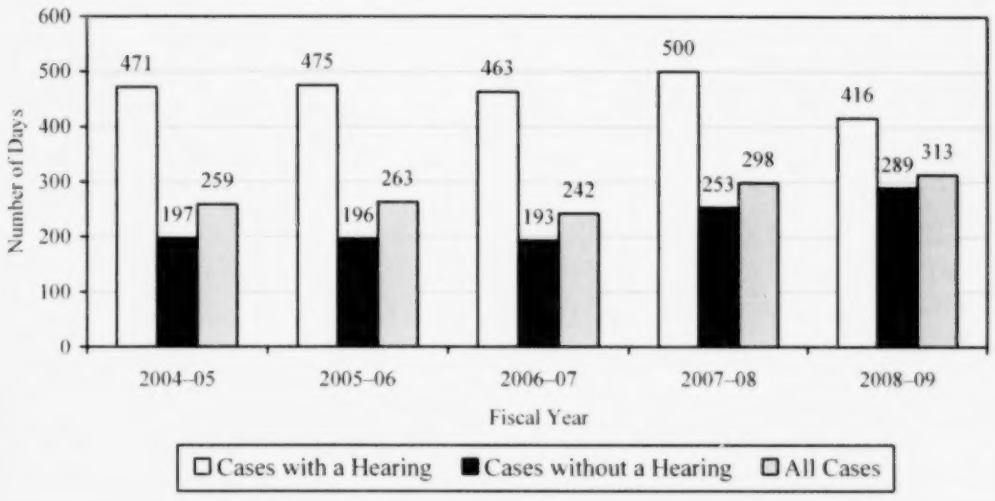
The CIRB issued an average of 35 detailed *Reasons for decision* each year over the last five years, and 209 letter decisions, for a total of 244 written decisions per year, on average. This output increased significantly in 2008–09, as the Board produced 40 *Reasons for decision* and 303 letter decisions, for a total of 343 written decisions.

Examples of significant Board decisions rendered in 2008–09 can be found at: http://www.cirb-ccri.gc.ca/publications/report-rapport_eng.asp.

Processing Time

The time required to process a file—the time spent opening, investigating, mediating, hearing, and deciding a case—increased moderately in 2008–09, averaging 313 calendar days, compared to 298 days in 2007–08 and 242 days in 2006–07 (see Chart 2).

Chart 2–Processing Time



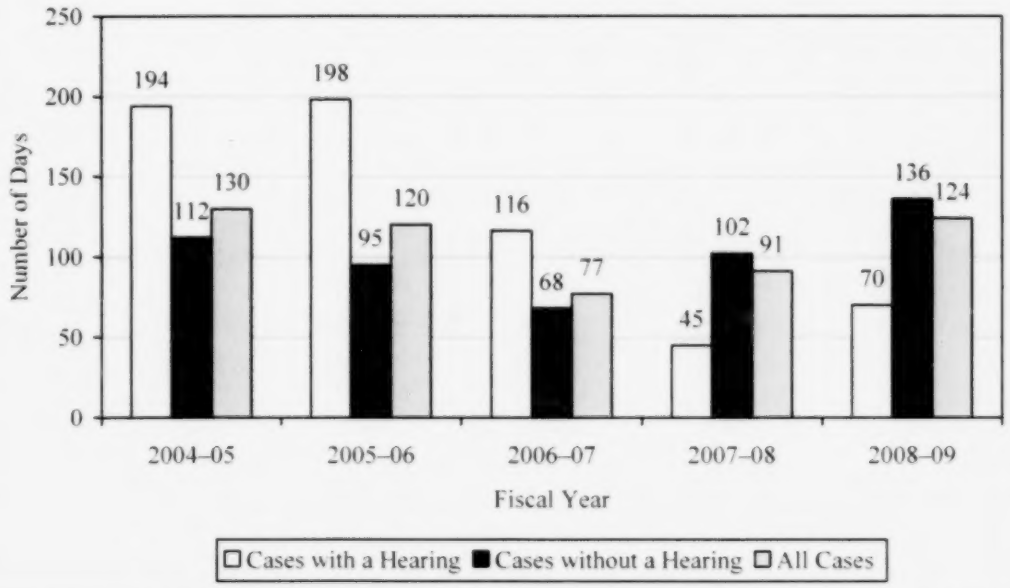
The principal reason for the increase in processing time experienced in both 2007–08 and 2008–09 is related to the resolution of numerous pending DFR complaints. Prior to 2007–08, DFR complaints were often set aside when more urgent matters arose. As a result, the CIRB had accumulated a significant backlog of DFR complaints, and their proportion of all pending matters grew from 25.6% in 2002–03 to almost 43% at the end of 2006–07. The CIRB took steps to seriously address this DFR backlog in 2007–08 and 2008–09. Consequently, DFR complaints represent a full third of disposed matters in 2008–09, compared to an average of about 19% in the five years preceding 2007–08. One consequence of this is that the average processing time statistics were adversely impacted, given that many of the complaints were long-standing. However, this is a one-time statistical anomaly, and it is anticipated that average case processing times will show a significant improvement in future years.

Decision-making Time

One component of the overall processing time is the length of time required by a Board panel to prepare and issue a decision following the completion of the hearing of a matter. A panel may decide a case without a hearing on the basis of written and documentary evidence, such as investigation reports and written submissions, or may defer the decision until further evidence and argument is obtained via an oral hearing.

Similar to processing time, and for many of the same reasons, the average decision-making time for matters disposed of in 2008–09 has increased to an average of 124 calendar days from 91 days in 2007–08. However, this level is nevertheless equivalent to levels experienced in the 2002–03 to 2005–06 period. Also, Chart 3 shows that there exists a considerable difference between cases with and without an oral hearing[4]. Whereas the decision-making time of cases involving an oral hearing declined substantially in the last two fiscal years compared to earlier years, quite the opposite happened with cases that did not involve an oral hearing. The latter is a direct result of the higher incidence of DFR complaints disposed of in 2007–08 and 2008–09, as those are cases which are typically decided on the basis of written submissions.

Chart 3–Decision-making Time



One approach to evaluating the Board's performance on decision-making time is to use section 14.2(2) of the *Code* as a benchmark. This section requires that a panel must render its decision and give notice of it to the parties no later than ninety days after the day on which it reserved its decision or within any further period that may be determined by the Chairperson. By this criterion, the Board has been relatively stable in the last three fiscal years when compared to previous years, in spite of the impact of DFR complaints. Chart 4 shows that more than three quarters of decisions were rendered in 90 days or less in 2008–09; excluding DFRs, this proportion rises to almost 84%.

[4] The Board measures its disposition time for cases decided with a public hearing from the date it reserves its decision (which generally coincides with the last day of the hearing) to the date the decision is issued to the parties. Where cases are decided without an oral hearing, the disposition time is measured from the date the case is deemed to be "ready" for the Board's consideration to the date the final decision is issued.

Chart 4–Distribution of Disposed Matters by Decision-making Time

Decisions rendered in	2004–05	2005–06	2006–07	2007–08	2008–09
90 days or less	69.6%	61.5%	72.6%	78.9%	75.3%
More than 90 days	30.4%	38.5%	27.4%	21.1%	24.7%
90 days or less excluding DFRs	67.4%	75.6%	85.0%	88.6%	83.7%
More than 90 days excluding DFRs	32.6%	24.4%	15.0%	11.4%	16.3%
90 days or less for DFRs	33.10%	57.40%	61.40%	41.40%	52.60%
More than 90 days for DFRs	66.90%	42.60%	38.60%	58.60%	47.40%

Judicial Reviews

Another measure of the Board's performance, as well as a measure of the quality and soundness of its decisions, is the frequency of applications for judicial review of Board decisions by the Federal Court, and the percentage of decisions upheld as a result of these reviews. In this respect, the Board has performed exceptionally well. With respect to the outcome of the reviews before the Court, the Board's decisions have been upheld in all cases except one in the last five fiscal years (in 2008–09).

Examples of significant judicial reviews in 2008–09 can be found at: http://www.cirb-ccri.gc.ca/publications/report-rapport_eng.asp.

Reviewing and Fine-tuning the DFR Complaint Process

Following consultation with stakeholders, the CIRB established a committee in 2005–06 to review its case processing practices with respect to DFR complaints and to recommend ways in which it could expedite their disposition. Although DFRs are not usually the type of matter that require priority attention—they were often deferred in favour of other more important matters—their relative number is significant and they thus have an important impact on the Board's overall processing performance and backlog of cases. In the last five fiscal years, DFRs represent, on average, more than 23% of all applications/complaints received, and since they were more likely to be deferred, the number of pending DFR complaints steadily grew from 180 in 2002–03 to 270 at the end of 2006–07, representing almost 43% of all pending matters at that time.

Initially, new procedures for processing DFRs were put into place on January 1, 2006, and although they had some success, the improvements did not appear to be lasting or practical from a legal perspective. The Board felt that other changes needed to be made. As a result, further refinements to the treatment of DFR complaints were implemented on March 1, 2008.

The new DFR processes and other operational changes appear to be having a positive effect, as the Board resolved a total of 272 DFR complaints in 2008–09, which is substantially higher than

in any previous year. As the backlog of DFR complaints diminishes, the improvements in case processing times and backlog reduction should be more evident.

Review of Performance Measurement Framework
Early in the 2008–09 fiscal year, the Board reviewed its PAA and developed the associated Performance Measurement Framework (PMF) in order to meet the evolving Treasury Board's Management, Resources and Results Structure Policy. This was the CIRB's first attempt at developing the PMF under the new policy, and the Treasury Board has offered some suggestions for improvement, which will be addressed in 2009–10.

Client Consultations
Client consultation continued during fiscal year 2008–09 and valuable input was received with respect to the processing and management of matters before the Board. The Board will continue to engage the labour-management community as it contemplates a full review of its *Regulations*.

Other Results
In support of its overarching mandate, the CIRB has also undertaken the following activities during the reporting period:

Human Resources (HR)
The CIRB's HR plan was updated and included strategies to address identified gaps. Those strategies included developmental programs to develop a pool of qualified candidates with the requisite competencies and to allow for career progression within the organization. Consistent with the greater emphasis on appropriate resolution of matters coming before the Board, all Board members and professional staff received mediation training during the fiscal year. The CIRB's Integrated HR and Business Plan was recognized by the Public Service Commission as a model for small agencies under the Staffing Management Accountability Framework.

Office Relocation
Two regional offices, one in Montréal and the other in Vancouver, were relocated during the review period due to lease expiry. Funding for these moves, while less than originally projected, exceeded the Board's capacity and assistance was provided by the portfolio department, HRSDC.

Information Technology (IT) / Information Management (IM)
Following the multi-year migration of its mission critical case management tool, the Case Management System, the CIRB continued with the implementation of enhancements to this extremely complex and comprehensive information system. The Board also continued to implement improvements in its document management system and in its IT security in line with Management of Information Technology Security (MITS) standards. With respect to IM, the Board began a thorough review of its program, including a review of policies and procedures and the development of an IM strategy and implementation plan. Work in these areas will continue in fiscal year 2009–10.

Provision of Information
Through its 1-800 information hotline, the CIRB received almost 5,900 information requests in 2008–09, and an additional 775 requests by email. Approximately 30% of these requests

concerned a matter relating to another jurisdiction (either a provincial ministry of labour, a provincial labour relations board or HRSDC) and were easily redirected. More than 4,600 inquiries needed a more involved response from the Board, an increase from the 4,100 inquiries received in 2007–08. This includes 223 requests concerning the OC Transpo strike situation alone. Requests for information generally pertain to case hearing dates, documents or decisions on file, Board statistics and other various matters.

Lessons Learned

The complexity and implications of the issues facing federally regulated employers and unions require the Board to judiciously apply a wide range of knowledge and skills in diverse industrial relations, labour law and administrative law contexts. The stable economic environment over the past few years has resulted in a decrease in the number of cases coming before the Board, but the current environment may well change that situation. It is possible that the Board will receive more ULP complaints as a result of difficulties at the bargaining table, as well as more applications related to corporate restructuring or sale of business.

It should be noted that preliminary information indicates that there should be substantial improvements in both the processing and decision-making times in 2009–10 given the reduction of backlog cases for DFRs and the new processes implemented over the last two years.

SECTION III: SUPPLEMENTARY INFORMATION

Financial Highlights

The financial highlights presented within this Departmental Performance Report are intended to serve as a general overview of CIRB's financial position and operations. The Board's financial statements can be found on the CIRB's Website at: http://www.cirb-ccri.gc.ca/publications/report-rapport_eng.asp.

($ thousands)

Condensed Statement of Financial Position At End of Year (March 31, 2009)	**% Change**	**2009**	**2008**
ASSETS			
Total Assets	11%	2,799.3	2,579.7
TOTAL	11%	2,799.3	2,579.7
LIABILITIES			
Total Liabilities	18%	3,883.0	3,199.7
EQUITY			
Total Equity	20%	(1,083.7)	(620.0)
TOTAL	11%	2,799.3	2,579.7

Total assets were $2.8 million in 2008–09, an increase of $220 thousand over the previous year. Tangible capital assets represent the largest portion of assets at $2.7 million.

Total liabilities were $3.9 million in 2008–09, an increase of $700 thousand over the previous year. Employee benefits represent the largest portion of liabilities at $2.5 million. The balance of $1.4 million represents accounts payable.

($ thousands)

Condensed Statement of Operations At End of Year (March 31, 2009)	**% Change**	**2009**	**2008**
EXPENSES			
Total Expenses	10%	17,266.1	15,524.7
REVENUES			
Total Revenues	27%	1.5	1.1
NET COST OF OPERATIONS	10%	17,264.6	15,523.6

Total expenses were $17.3 million in 2008–09, an increase of $1.74 million compared to 2007–08. Salaries and employee benefits represent the largest portion of this increase at $1.73 million.

List of Supplementary Information Tables

All electronic supplementary information tables found in the 2008–09 Departmental Performance Report can be found on the Treasury Board of Canada Secretariat's Website at: http://www.tbs-sct.gc.ca/dpr-rmr/2008-2009/index-eng.asp.

Table 1: Green Procurement
Table 2: Internal Audits

Other Items of Interest

- **Organizational Information**
  - Mandate, Role and Responsibilities
    http://www.cirb-ccri.gc.ca/about-apropos/role_eng.asp
    http://www.cirb-ccri.gc.ca/index_eng.asp
  - Departmental Organization
    http://www.cirb-ccri.gc.ca/about-apropos/cirborg.pdf
    http://www.cirb-ccri.gc.ca/about-apropos/members-membres/index_eng.asp

- **Supplementary Statistical Performance Information—Fiscal Year 2008–09 can be found at:** http://www.cirb-ccri.gc.ca/publications/report-rapport_eng.asp
  - Complex Matters
  - Expedited Matters
  - Written Reasons for Decision
  - Applications for Judicial Review
  - Number and Processing Time of Duty of Fair Representation (DFR) Complaints

- **Significant Board Decisions and Judicial Reviews can be found at:** http://www.cirb-ccri.gc.ca/publications/report-rapport_eng.asp

To Contact the Board

Toll-free: 1-800-575-9696
People who use TTY should place calls with the assistance of a Bell Relay Service operator at: 1-800-855-0511
Email: info@cirb-ccri.gc.ca
Website: http://www.cirb-ccri.gc.ca